

# Proposed Draft of Rule Changes

ARIZONA ADMINISTRATIVE CODE, STATE BOARD OF EDUCATION

## ARTICLE 4 - SPECIAL EDUCATION

### R7-2-401 Special Education Standards for Public Agencies Providing Educational Services

A. For the purposes of this Article, the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated herein by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing Office, Attn: New Orders, P.O. Box 979050, St. Louis, MO 63197-9000 or the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson Street, Phoenix, Arizona 85007.

B. Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are applicable, with the following additions:

1. ~~“Accommodations” means the provisions made to allow a student to access and demonstrate learning. Accommodations do not substantially change the instructional level, the content or the performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test.~~
2. ~~“Adaptations” means changes made to the environment, curriculum, and instruction or assessment practices in order for a student to be a successful learner. Adaptations include accommodations and modifications. Adaptations are based on an individual student’s strengths and needs.~~
1. “Administrator” means the chief administrative official of the LEA or such person officially designated as responsible for special education”
4. ~~“Audiologist” means a person who specializes in the identification and prevention of hearing problems and in the non-medical rehabilitation of those who have hearing impairments, and who is licensed to practice audiology according to A.R.S. Title 36, Chapter 17, and Article 4.~~
2. “Boundaries of responsibility” means:
  - a. For a school district, the geographical area within the legally designated boundaries;
  - b. For a charter school, the population of students enrolled in the charter school;
  - c. For any other public agency, the population of students receiving educational services from the public agency.
6. ~~“Certificate in speech and language therapy” means a speech language pathologist or speech language technician certificate awarded by the State Board of Education.~~
7. ~~“Certified school psychologist” means a person holding a certificate from the Arizona State Board of Education issued pursuant to 7 A.A.C. 2, Article 6, in the area of school psychology.~~

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8. ~~“Certified speech language therapist” means a person holding a speech language pathologist or speech language technician certificate from the Arizona State Board of Education issued pursuant to 7 A.A.C. 2, Article 6, and a license from the Arizona Department of Health Services as a speech language pathologist in accordance with A.R.S. Title 36, Chapter 17, Article 4.~~
9. ~~“Department” means the Arizona Department of Education.~~
10. ~~“Doctor of medicine” means a person holding a license to practice medicine pursuant to A.R.S. Title 32, Chapter 13 (medical doctor) or Chapter 17 (doctor of osteopathy)~~
11. ~~“Exceptional Student Services Division” or “ESS” means the Exceptional Student Services Division of the Arizona Department of Education.~~
12. ~~“Evaluator” means a qualified person in a field relevant to the child’s disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.~~
13. ~~“Full and individual evaluation” means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes:~~
  - ~~a. A review of existing information about the child;~~
  - ~~b. A decision regarding the need for additional information;~~
  - ~~c. If necessary, the collection of additional information; and~~
  - ~~d. A review of all information about the child and a determination of eligibility for special education services and needs of the child.~~
14. ~~“Independent educational evaluation” means an evaluation conducted by a qualified evaluator who is not employed by the public education agency responsible for the education of the child in question.~~
15. ~~“Interpreter” means a person trained to translate orally or in sign language in matters pertaining to special education identification, evaluation, placement, the provision of FAPE, or assurance of procedural safeguards for parents and students who converse in a language other than spoken English. Each student’s IEP team determines the level of interpreter skill necessary for the provision of FAPE.~~
16. ~~“Language in which the student is proficient” means all languages including sign language systems.~~
17. ~~“Licensed psychologist” means a person holding a license from the state of Arizona Board of Psychologist examiners in accordance with A.R.S. Title 32, Chapter 19.1, and Article 2.~~
18. ~~“Modifications” means substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.~~

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19. ~~“Paraeducator” means a person employed to assist with the education of students but who is not certified to teach by the Arizona Department of Education. Alternate terms may include paraprofessional, teacher aide, instructional assistant or other similar titles.~~
20. ~~“Private school” means any nonpublic educational institution where academic instruction is provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state or a public education agency.~~
21. ~~“Private special education school” means a private school that is established to serve primarily students with disabilities. The school may also serve students without disabilities.~~
22. ~~“Psychiatrist” means a doctor of medicine who specializes in the study, diagnosis, treatment and prevention of mental disorders.~~
23. ~~“Public education agency” or “PEA” means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the state that is responsible for providing education to children with disabilities.~~
3. “Local Educational Agency” or “LEA” means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the state that is responsible for providing education to children with disabilities.
25. ~~“Special education teacher” means a teacher holding a special education certificate from the Arizona Department of Education.~~
26. ~~“Suspension” means a disciplinary removal from a child’s current placement that results in a failure to provide services to the extent necessary to enable the child to progress appropriately in the general curriculum and advance toward achieving the goals set out in the child’s IEP. The term does not include disciplinary actions or changes in placement through the IEP process if the child continues to receive the services described above. The term does include actions such as “in school” and “going home for the rest of the day” removals if the child does not receive the services described above.~~

### **C. Public Awareness.**

1. ~~Each public education agency shall inform the general public and all parents, within the public education agency’s boundaries of responsibility, of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.~~
2. ~~Each public education agency is responsible for public awareness within their enrolled population (including the families of enrolled students).~~
3. ~~School districts are responsible for public awareness in private schools located within their geographical boundaries.~~

### **D. C. Child Identification and Referral**

1. ~~Each public education agency shall establish, implement, and disseminate to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth~~

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~~through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability. Each LEA shall be responsible for implementing an ongoing child find system to locate, identify, and evaluate children suspected of having a disability and needing special education from ages 3 through 21 within each LEA's defined enrollment boundaries. The child find system includes all children with disabilities as defined in 34 CFR §300.111 (including children who are homeless, wards of the State, and children attending private schools).~~

2. ~~Each local education agency will require all school based staff to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of staff review. Each LEA shall be responsible for making referrals to the Arizona Early Intervention Program for children from birth through age three.~~
3. ~~LEAs may conduct a screening of a student as permitted by 34 CFR § 300.302. In addition, LEAs may implement general education interventions in an effort to resolve areas of concern before initiating a referral for evaluation.~~

~~An LEA shall conduct an initial evaluation when it suspects a student has a disability and needs special education and related services as a result of the suspected disability. If a parent or guardian suspects that a child has a disability and may need special education, the parent may at any time, inform the school in writing. The LEA has 10 business days to provide a written acknowledgment.~~

4. ~~The public education agency responsible for child identification activities is the school district in which the parents reside unless:~~

~~a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;~~

~~b. The student is enrolled in a non-profit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.~~

~~Subject to prior written notice requirements and procedural safeguards, an LEA may deny the parent or guardian's request for an evaluation or initiate a referral for an initial special education evaluation.~~

5. ~~Identification (screening for possible disabilities) shall be completed within 45 calendar days after:~~

~~a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or~~

~~b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years.~~

6. ~~Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.~~

**Comment [amd1]:** We wanted to keep this language – Correct??

**Comment [amd2]:** And delete this language – Correct???

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7. ~~For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.~~
8. ~~If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow up on the student's needs.~~
9. ~~Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (D) (5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.~~
10. ~~If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally placed private school students the school district within whose boundaries the non-profit private school is located is responsible for such evaluation.~~
11. ~~If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.~~

### **E. Evaluation/re-evaluation. D. Initial Evaluation**

1. ~~Each public education agency shall establish, implement, disseminate to its school-based personnel, and make available to parents within its boundaries of responsibility, written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education. Before a child who is suspected of having a disability is placed in a special education program, the LEA must conduct an evaluation in accordance with 34 CFR 300.300 through 300.311 to determine if the student is a child with a disability.~~
2. ~~Procedures for the initial full and individual evaluation of children suspected of having a disability and for the reevaluation of students with disabilities shall meet the requirements of IDEA and regulations, and state statutes and State Board of Education rules.~~  
In accordance with 300.301, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.
3. ~~The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be completed as soon as possible, but shall not exceed 60 calendar days from receipt of informed written consent. If the public education agency initiates the evaluation, the 60-day period shall commence with the date of receipt of informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility. If the parent requests the~~

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~~evaluation and the MET concurs, the 60-day period shall commence with the date that the written parental request was received by the public education agency and shall conclude with the date of the MET determination of eligibility. An LEA shall provide prior written notice and obtain informed written consent from the parent of the child before conducting an initial evaluation (34 CFR §§ 300.301, 300.503, 300.504, and 300.9) except as otherwise provided in 34 CFR § 300.300 for children who are wards of the state.~~

4. ~~The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parents and LEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation. LEAs must complete an initial evaluation within 60 calendar days of receiving voluntary, informed written parental consent to do so and the exceptions in accordance with 34 CFR § 300.301.~~
5. ~~The public education agency may accept current information about the student from another state, public agency, public education agency, or independent evaluator. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).~~
6. ~~For the following disabilities, the full and individual initial evaluation shall include:~~
  - a. ~~Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a certified school psychologist.~~
  - b. ~~Hearing impairment:~~
    - i. ~~An audiological evaluation by an audiologist,~~
    - ~~and~~
    - ii. ~~An evaluation of communication/language proficiency.~~
  - e. ~~Other health impairment: verification of a health impairment by a doctor of medicine.~~
  - d. ~~Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:~~
    - i. ~~A discrepancy between achievement and ability;~~
    - ii. ~~The child's response to scientific, research-based interventions; or~~
    - iii. ~~Other alternative research-based procedures.~~
  - e. ~~Orthopedic impairment: verification of the physical disability by a doctor of medicine.~~
  - f. ~~Speech/language impairment: an evaluation by a certified speech-language therapist.~~
  - g. ~~For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:~~

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- i. ~~An audiometric screening within the past calendar year,~~
  - ii. ~~A review of academic history and classroom functioning,~~
  - iii. ~~An assessment of the speech problem by a speech therapist, or~~
  - iv. ~~An assessment of the student's functional communication skills.~~
  - h. ~~Traumatic brain injury: verification of the injury by a doctor of medicine.~~
  - i. ~~Visual impairment: verification of a visual impairment by an ophthalmologist or optometrist.~~
7. ~~The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E) (6)(a) through (i) are required for a student's re-evaluation.~~

### E. Reevaluation.

1. An LEA must ensure that a reevaluation of each child with a disability is conducted in accordance with 34 CFR 300.304 through 300.311 if the LEA determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.
2. A reevaluation conducted in accordance with paragraph E.1 above may occur not more than once per year, unless the parent and LEA agree otherwise; and must occur at least once every 3 years, unless the parent and the LEA agree that a reevaluation is unnecessary.  
As part of any reevaluation, the IEP Team and other qualified personnel, as appropriate, must review existing data on the child.
2. Informed written parental consent shall be obtained only as required by 34 CFR § 300.300.
3. An LEA must complete the re-evaluation within 60 calendar days of receiving voluntary, informed written parental consent to do so.
4. In accordance with 34 CFR § 300.305, the LEA must evaluate a child with a disability in accordance with 34 CFR 300.304 through 300.311 before determining that the child is no longer a child with a disability.
5. In accordance with 34 CFR § 300.305, the evaluation described in paragraph E.4 above is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under Arizona law. However a summary of student performance must be provided to the student as required by 34 CFR § 300.305.

### F. Evaluation Procedures and Eligibility Determination.

1. Qualified personnel, who are trained and knowledgeable, with the appropriate expertise, certification and/or licensure as prescribed by Arizona law and 34 CFR § 300 & 34 CFR



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§300.304 shall administer assessments and other measures, as appropriate and in accordance with 34 CFR §§ 300.304 through 300.311. In conducting the evaluation, personnel shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability, and the content of the child's IEP.

2. Upon completion of the evaluation, the group of qualified personnel and the parent shall meet to determine, based upon the evaluation, whether the child is a child with a disability as defined in 34 CFR § 300.8 to the extent that specially designed instruction is required in order for the child to benefit from education. This meeting is subject to meeting notice requirements under 34 CFR § 300.306.
3. In making eligibility determinations, the group of qualified personnel and the parents shall draw upon information from a variety of sources and ensure that information obtained from all of these sources is documented and carefully considered in accordance with 34 CFR § 300.306.
5. The LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent as required under 34 CFR § 300.306.
6. If the child is determined eligible for special education, an IEP shall be developed within 30 days of the eligibility determination, not to exceed 90 calendar days from the date of informed parental consent to conduct an initial evaluation.

### G. Specific Learning Disability

1. In determining the existence of a Specific Learning Disability (SLD) the LEA shall use one or more of the following methods to meet the criteria as identified under IDEA section 300.307 and determination requirements under 309.310 311:

**INSERT METHOD(S)—State Criteria from SLD Sub-Committee when completed**

### F. Parental Consent:

1. ~~A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.~~
2. ~~If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.~~
3. ~~If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:~~
  - a. ~~Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and~~



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~~b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.~~

4. ~~If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public education agency:~~
- ~~a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;~~
  - ~~b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;~~
  - ~~c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and~~
  - ~~d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.~~
5. ~~If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.~~

### ~~G.~~ H. Individualized Education Program (IEP).

1. ~~Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures for the development, implementation, review, and revision of IEPs. Each LEA shall ensure an IEP is developed and implemented for each child with a disability (34 CFR § 300.8) served by the LEA, in accordance with 34 CFR § 300.320-325, §300.106-108, and § 300.328.~~
2. ~~Procedures for IEPs shall meet the requirements of the IDEA and regulations, and state statutes and State Board of Education rules. In the development of the IEP, the team shall consider the strengths and needs of the student in the context of the state adopted standards and the general education curriculum of the district. In accordance with 34 CFR § 300.324, the IEP team shall revise a student's IEP, as appropriate, to address any lack of expected progress toward the annual goals set forth in the IEP and in the general education curriculum, if appropriate.~~
3. ~~Procedures shall include the incorporation of Arizona Academic Standards into the development of each IEP. IEP goals aligned with the Arizona Academic Standards shall identify the specific level within the Standard that is being addressed. The IEP shall include specially designed instruction (34 CFR § 300.39), supplementary aids and services (34 CFR § 300.42), transition services (34 CFR § 300.43), and related services (34 CFR § 300.34) that enable the student to access and make progress in the general curriculum. IEP teams are responsible for determining the frequency, location and duration of these services and instruction implemented by qualified~~

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personnel. (34 CFR § 300.156, 34 CFR § 300.320-325, 34 CFR §300.106-108, and 34 CFR § 300.328.)

4. ~~Each IEP of a student with a disability shall stipulate the provision of instructional or support services by a special education teacher, certified speech language therapist, and/or ancillary service provider(s), as appropriate.~~ Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without standard accommodations as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team. Each student with a disability who has an IEP shall participate in the state established assessment system based on the State's established eligibility criteria.

~~A meeting shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have th~~

7. Aparent of a student with disabilities can request to reconvene the IEP team at any time in accordance with 34 CFR 300.324. The LEA will respond within a reasonable amount of time resulting in contact with the parent.
7. ~~A parent or public education agency may request in writing a review of the IEP. Such review shall take place within 15 school days of the receipt of the request or at a mutually agreed upon time but not to exceed 30 school days.~~

### **H. I.** Least Restrictive Environment.

1. ~~Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and regulations, and state statutes and State Board of Education rules. Each LEA shall ensure that a continuum of placements is available to meet the needs of children with disabilities for special education and related services in accordance with 34 CFR §§ 300.114 to 117.~~
2. ~~A continuum of services and supports for students with disabilities shall be available through each public education agency.~~

### **I. J.** Procedural Safeguards.

1. ~~Each public education agency shall establish, implement, and disseminate to its school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination to parents information about the public education agencies and state's dispute resolution options. Each LEA shall provide a notice of the procedural safeguards adopted by the State Education Agency (SEA) in accordance with the requirements of 34 CFR § 300.504-505.~~

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2. ~~In accordance with the prior written notice requirements of IDEA, prior written notice must be issued in a timely manner following a decision by a LEA to propose to initiate or change, or refuse to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child.~~

### ~~J.~~ **K.** Confidentiality.

1. ~~Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA, the Family Educational Rights and Privacy Act (FERPA) and regulations, and state statutes. Each LEA shall establish and implement written policies and procedures to ensure the confidentiality and disclosure of records and information in accordance with the IDEA (34 CFR §§ 300.610 to 300.627) and the Family Educational Rights and Privacy Act (FERPA).~~
2. ~~Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that the LEA must follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.~~
3. ~~The rights of parents regarding education records are transferred to the student at age 18, unless the student has been declared legally incompetent, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.~~
4. ~~Upon receiving a written request, each public education agency shall forward special education records to any other public education agency in which a student is attempting to enroll. Records shall be forwarded within the time frame specified in A.R.S. § 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.~~

### ~~K.~~ **L.** Preschool Programs for Children with Disabilities

~~Each public education agency responsible for serving preschool children with disabilities shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for:~~

1. ~~The operation of the preschool program in accordance with federal statute and regulation, and state statute;~~
2. ~~The smooth and effective transition from the Arizona Early Intervention Program (AZEIP) to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and~~
3. ~~The provision of a minimum of 360 minutes of instruction in a program that operates at least three days a week.~~
1. The provision of services for preschool children with disabilities shall be in accordance with federal regulation, and state statute as determined by the IEP team. ARS 15-771, 15-761; 34 CFR § 300.800.
2. The LEA shall provide a continuum of placements provided to preschool students.

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3. LEAs will adhere to the interagency agreement between ADE and designated state agency intended to ensure a seamless transition of services for children with disabilities from the Part C Provider to a public school preschool program (Part B). 34 CFR §§ 300.814, 300.124, & 303.209.

### L. Children in Private Schools.

1. ~~Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures regarding the access to special education services to students enrolled in private schools as identified by the IDEA and regulations, and state statutes and State Board of Education rules.~~

### M. State Education Agency Responsibilities Responsible for General Supervision and Obligations Related to and Methods of Ensuring Services.

1. The Department is responsible for the general supervision of services to children with disabilities aged 3 through 21 served through a public education agency. The provision of special education is under the general supervision of and enforcement by the SEA to ensure free appropriate public education for children with disabilities as set forth in 34 CFR §§ 300.149 and 300.150.
2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and technical assistance that all eligible students receive a free appropriate public education in conformance with the IDEA regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules. The SEA shall ensure through fund allocation, technical assistance, monitoring, enforcement, and state complaint procedures that all eligible students receive a free appropriate public education in conformance with the IDEA regulations, state statutes and rules. 34 CFR §§ 300.151-155 see also 300.600.
3. In exercising its general supervision responsibilities, the SEA shall ensure that when it identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is corrected as soon as possible, and in no case later than one year after the SEA's written notification to the LEA of its identification of the noncompliance. 34 CFR § 300.600
4. The SEA is responsible for developing policies and procedures to meet these requirements. Prior to the adoption of any policies and procedures the State must comply with Public Participation requirements as defined in 34 CFR § 300.165.

### N. Procedural Requirements Relating to Public Local Educational Agency Eligibility Responsibilities.

1. ~~Each public education agency shall establish eligibility for funding with the Arizona Department in accordance with the IDEA and regulations, and state statutes and with schedule and method prescribed by the Department. Each LEA provides assurances to the SEA that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in the IDEA.~~
2. ~~In the event the Department determines that a public education agency does not meet eligibility for funding hearing before such funding is withheld.~~

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3. ~~The Department may temporarily interrupt payments during any time period when a public education agency has not corrected deficiencies in eligibility for federal funds as a result of fiscal requirements of monitoring, auditing, complaint and due process findings.~~
4. ~~Each public education agency shall, on an annual basis, determine the number of children within each disability category who have been identified, located, evaluated, and/or receiving special education services. This includes children residing within the boundaries of responsibility of the public education agency who have been placed by their parents in private schools or who are home schooled.~~

### **~~O. Public Participation.~~**

1. ~~Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures to ensure that, prior to the adoption of any policies and procedures needed to comply with federal and state statutes and regulations, there are:~~
  - a. ~~Public hearings;~~
  - b. ~~Notice of the hearings; and~~
  - c. ~~An opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.~~
2. ~~This requirement does not pertain to day to day operating procedures.~~

### **~~P. Q. Suspension and Expulsion. Discipline Procedures.~~**

1. ~~Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for the suspension and expulsion of students with disabilities. An LEA must establish policies and procedures for discipline of students with disabilities in accordance with 34 CFR §§ 300.530 to 300.536.~~
2. ~~Each public education agency shall require all school based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.~~
3. ~~Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and regulations, and state statutes.~~

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